



Paper No. 7

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COPY MAILED**JUL 30 2001****OFFICE OF PETITIONS
A/C PATENTS**

In re Application of
Salim, et al.
Application No. 09/765,964
Filed: January 19, 2001
Attorney Docket No. 19382-004

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: DECISION ON PETITION
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This is a decision on the petition filed May 29, 2001, under 37 C.F.R. §1.53(e)(2) to accord the above-identified application a filing date of January 19, 2001.

Application papers in the above-identified application were filed on January 19, 2001. However, on March 27, 2001, the Initial Patent Examination Division mailed a "Notice of Incomplete Nonprovisional Application," notifying applicant that the application papers had not been accorded a filing date because the application was deposited without drawings¹. Applicant was also advised that the statutory basic filing fee, and oath or declaration were missing.

Petitioner asserts that the drawings were submitted with the originally filed patent application, and as evidenced by the postcard receipt were actually received by the Office. A copy of the complete nonprovisional patent application as filed was resubmitted on petition. In support of the petition, petitioner submitted a postcard receipt identifying this application, itemizing "Forty (40) sheets of drawings (Figures 1-38)" as enclosed, bearing a United States Patent and Trademark Office date-stamp of January 19, 2001, and lacking any notation of non-receipt of any item listed.

A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office. See MPEP 503.

In view thereof, the petition is GRANTED.

Given the basis for granting the petition, no petition fee has been charged.

The statutory basic filing fee of \$355, the executed declaration, and the surcharge for late filing under §1.16(e), submitted with the petition, are acknowledged and made of record.

The application is being forwarded to the Office of Initial Patent Examination (OIPE) for further processing with a filing date of January 19, 2001, using the application papers received in the Office on that date and the forty (40) sheets of drawings

¹ See 35 U.S.C. 111(a)(4).

in the Office on that date and the forty (40) sheets of drawings resubmitted on petition filed March 29, 2001. Applicant will receive appropriate notifications regarding the fees owed, if any, and other information in due course from OIPE.

Telephone inquiries related to this decision should be directed to Petitions Attorney Nancy Johnson at 703-305-0309.

A handwritten signature in cursive script, appearing to read "B. M. Flanagan", is written over the typed name.

Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy